

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BOBBY LEE MONTGOMERY,

Plaintiff

v.

STATE OF NEVADA et al.,

Defendants

Case No. 2:20-cv-01061-KJD-VCF

ORDER

I. DISCUSSION

Pro se Plaintiff Bobby Lee Montgomery, a former inmate of the Clark County Detention Center, brings this civil-rights action under 42 U.S.C. § 1983. (ECF No. 1). Plaintiff is no longer incarcerated and has paid the \$400 filing fee for a civil action. (ECF No. 1-1). In light of Plaintiff's non-incarceration and payment of the filing fee, the Court is no longer required to screen this case. *See generally* 28 U.S.C. § 1915A (the plaintiff is no longer a prisoner within the meaning of the statute); *see Olivas v. Nevada ex rel. Dep't of Corr.*, 856 F.3d 1281, 1282 (9th Cir. 2017) (holding that "28 U.S.C. § 1915A applies only to claims brought by individuals incarcerated at the time they file their complaints"); *see Lopez v. Smith*, 203 F.3d 1122, 1126, 1129 (9th Cir. 2000) (recognizing that screening under 28 U.S.C. § 1915(e) applies to actions filed *in forma pauperis* whether or not the plaintiff is incarcerated). This case will now proceed onto the normal litigation track.

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For the foregoing reasons, it is ordered that this case will proceed on the normal litigation track.

It is further ordered that Plaintiff must perfect service within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

DATED THIS 28 day of September 2020.

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United States District Judge